

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

EMMA GERALD,	:	
	:	
Petitioner,	:	CIVIL ACTION NO.
	:	1:13-CV-2928-WBH
v.	:	
	:	CRIMINAL ACTION NO.
UNITED STATES OF AMERICA,	:	1:06-CR-72-1-WBH
Respondent.		

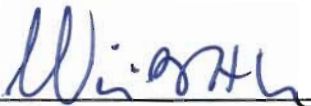
**ORDER**

This matter is now before the Court for consideration of the Report and Recommendation (R&R), [Doc. 446], in which the Magistrate Judge recommends dismissal of the instant action without prejudice for Plaintiff's failure to obtain authorization from the Eleventh Circuit to file a successive § 2255 motion. Plaintiff has failed to respond to the R&R, and in the absence of objections, this Court need review the R&R only for plain error. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983). After careful review, the Court finds no error in the Magistrate Judges's findings of fact or legal conclusions. Because it plainly appears from Ms. Gerald's filing and the record of prior proceedings that she is not entitled to relief, this case must be dismissed.

Accordingly,

**IT IS HEREBY ORDERED** that the Court **ADOPTS AS ITS ORDER** the Magistrate Judge's Report and Recommendation. [Doc. 446]. The instant matter is **DISMISSED** and the Clerk is **DIRECTED** to close this case. It is **FURTHER ORDERED** that a Certificate of Appealability is **DENIED**.

**IT IS SO ORDERED**, this 7<sup>th</sup> day of November, 2013.

  
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WILLIS B. HUNT, JR.  
Judge, U. S. District Court